IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 5733 of 2006

SMT.BASANT KAUR
V/S
PRITAM SINGH & ORS.

Mr. RK BOHRA, for the appellant / petitioner

Date of Order : 9.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

It is informed by learned counsel for the petitioner that in compliance of the ex-parte decree in a suit for specific performance passed on 5.3.97, which suit was filed against Nazar Singh and the petitioner, the petitioner has already executed the sale deed dated 4.3.98.

In this background, by the impugned order, the learned trial Court has declined to substitute the present petitioner as legal representative of Nazar Singh, and has allowed the application of Shersingh, who claims to be nephew of Nazar Singh to be substituted in place of Nazar Singh, who has expired during the proceedings after the ex-parte decree was set aside. In my view, once the petitioner has already executed sale deed in compliance of the decree, she cannot be said to be having any subsisting interest in the litigation. In that view of the matter, I do not find any error in the impugned order. The writ petition is, therefore, dismissed summarily.

(N P GUPTA),J.

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